

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Mount Rushmore Broadcasting, Inc.)	File No.: EB-01-DV-435
)	NAL/Acct. No. 200232800005
Licensee, Station KZMX (FM))	FRN 0005-0081-23
Hot Springs, South Dakota)	
Facility ID #46712)	

FORFEITURE ORDER

Adopted: October 24, 2002

Released: October 29, 2002

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* ("Order"), we issue a monetary forfeiture in the amount of three thousand dollars (\$3,000) to Mount Rushmore Broadcasting, Inc., ("Mount Rushmore") licensee of Station KZMX(FM), Hot Springs, South Dakota, for willful violation of Sections 73.1350 and 73.1400 of the Commission's Rules ("the Rules").¹ The noted violations involve Mount Rushmore's failure to establish monitoring procedures and schedules to determine compliance with operating power and modulation levels, and Mount Rushmore's failure to have positive on/off control of the transmitter.

2. On May 31, 2002, the District Director of the Commission's Denver, Colorado Field Office ("Denver Office") issued a *Notice of Apparent Liability for Forfeiture* ("NAL")² in the amount of \$3,000. Mount Rushmore has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED THAT**, pursuant to Section 503(b) of the Communications Act of 1934, as amended, ("the Act"),³ and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission's Rules,⁴ Mount Rushmore **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$3,000 for willfully violating Sections 73.1350 and 73.1400 of the Rules.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules⁵ within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁶ Payment shall be made by mailing a check or similar instrument, payable to the order of the "Federal Communications Commission," to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200232800005, and FRN 0005-

¹ 47 C.F.R. §§ 73.1350 and 73.1400.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200232800005 (Enf. Bur., Denver Office, released May 31, 2002).

³ 47 U.S.C. § 503(b).

⁴ 47 C.F.R. §§ 0.111, 0.311, 1.80(f) (4).

⁵ 47 C.F.R. § 1.80.

⁶ 47 U.S.C. § 504(a).

0081-23. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁷

5. **IT IS FURTHER ORDERED THAT** this *Order* shall be sent by regular mail and by certified mail, return receipt requested, to Jan Gray, President, Mount Rushmore Broadcasting, Inc., 218 N. Wolcott St., Caspar, Wyoming 82601.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁷ See 47 C.F.R. § 1.1914.